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In re: CONE ENGINEERING  
CONTRACTORS, Inc., a California  
Corporation,

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C 05-2137 PJH

Debtor/Appellant.

**ORDER RE: APPELLANT'S  
NOTICE OF DISMISSAL**

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This court's October 24, 2005 order required appellant to file its opening brief within  
ten days of that order. On November 7, 2005, appellant submitted a "notice of dismissal" of  
the appeal in lieu of an opening brief. However, Federal Rule of Bankruptcy Procedure  
8001(a)(2) requires that after an appeal has been docketed, both parties to the appeal "sign  
and file with the clerk of the district court . . . an agreement that the appeal may be dismissed."

Accordingly, appellant is hereby ordered to file with this court **within seven days of  
this order** a joint stipulation to dismiss the appeal in compliance with FRBP 8001(a)(2).

**IT IS SO ORDERED.**

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Dated: November 8, 2005



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PHYLLIS J. HAMILTON  
United States District Judge